



0000106144

BEFORE THE ARIZONA CORP

CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
RENZ D. JENNINGS
Commissioner

IN THE MATTER OF THE PETITION OF
MCIMETRO ACCESS TRANSMISSION
SERVICES, INC. FOR ARBITRATION OF
INTERCONNECTION RATES, TERMS AND
CONDITIONS PURSUANT TO SECTION
252(b) OF THE TELECOMMUNICATIONS
ACT OF 1996.

DOCKET NO. U-3175-96-479
DOCKET NO. E-1051-96-479

IN THE MATTER OF THE PETITION OF
AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC. FOR
ARBITRATION OF INTERCONNECTION
RATES, TERMS AND CONDITIONS
PURSUANT TO SECTION 252 (b) OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. U-2428-96-417
DOCKET NO. E-1051-96-417

DECISION NO. 60308

ORDER Arizona Corporation Commission
DOCKETED

Open Meeting
July 30, 1997
Phoenix, Arizona

JUL 30 1997

BY THE COMMISSION:

DOCKETED BY

Jull

FINDINGS OF FACT

1. MCImetro Access Transmission Service, Inc. (MCI) is certificated to provide local exchange services within the exchange served by U S West Communications, Inc.

2. AT&T Communications of the Mountain States, Inc. (AT&T) is certificated to provide local exchange services within the State of Arizona.

3. U S West Communications, Inc. (U S West) is certificated to provide local exchange services within the State of Arizona.

4. On July 29, 1996 and September 4, 1996, AT&T and MCI filed with the Arizona Corporation Commission (Commission) petitions for arbitration to establish interconnection agreements with U S West pursuant to Section 252(b) of the Telecommunications Act of 1996 (Act).

...

...

1 5. The Act directed incumbent local exchange carriers to make their networks available
2 for interconnection to new entrants to the local exchange market. The Act provided for
3 interconnection agreements to be concluded by voluntary agreement. If the parties could not
4 successfully negotiate all of the rates, terms and conditions of an interconnection agreement, any
5 party could ask the Commission to arbitrate any open issues.

6 6. On December 10, 1996 and December 18, 1996, the Commission issued Decision
7 Nos. 59915 and 59931 which set forth its resolution of the issues in dispute. In addition, the
8 Commission directed the parties to file written interconnection agreements. The written agreements
9 were to include those terms that were voluntarily resolved between the parties and those on which
10 the Commission directed a resolution.

11 7. On July 18, 1997, the parties submitted their interconnection agreements for approval.
12 The interconnection agreements contain language that was agreed to by the parties and language that
13 was included to comply with the Commission's Arbitration Decisions and the July 14, 1997,
14 Procedural Order.

15 8. According to the Federal Act and State Rule, the Commission must approve (or reject)
16 the final interconnection agreement, deciding if the voluntarily-negotiated provisions are non-
17 discriminatory and in the public interest. The Commission must also decide whether the arbitrated
18 provisions are in compliance with the provisions of the Federal Act.

19 9. In the Arbitration proceedings, conducted by the Hearing Division, only those matters
20 in dispute were considered and addressed in Decision No. 59915, Decision No. 59931 and the
21 July 14, 1996, Procedural Order. The Hearing Division has reviewed the interconnection agreements
22 between MCIIm/AT&T and U S West insofar as the issues subject to arbitration are concerned. The
23 Hearing Division has indicated that the contract language as presently written, with the language in
24 Attachment 1, Section 5.1 as clarified by the arbitrators on July 24, 1997, except as described below
25 is in compliance with Decision Nos. 59915 and 59931, the July 14, 1997 Procedural Order, and that
26 there are no grounds for rejection pursuant to Section 252(e)(2)(B) of the Act.

27 ...

28 ...

10. The Commission directs the Hearing Division with thirty days to arbitrate the issues of combinations of network elements and whether the IFB, IFR or other finished service can be requested as an unbundled network element, in light of the recent Court of Appeals 8th Circuit Opinion, with arbitrated contract language concerning those issues to be incorporated into the interconnection agreements.

11. Staff has reviewed the voluntarily-negotiated provisions of the interconnection agreements, as well as the arbitrated issues, and has found them to be non-discriminatory and in the public interest.

12. Staff has recommended approval of the interconnection agreements between MCIIm/AT&T and U S West.

CONCLUSIONS OF LAW

1. MCIIm, AT&T and U S West are Arizona public service corporations within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. MCIIm and AT&T are telecommunications carriers within the meaning of 47 U.S.C. Section 252.

3. U S West is an incumbent local exchange carrier within the meaning of 47 U.S.C. Section 252.

4. The Commission has jurisdiction over MCIIm, AT&T and U S West and over the subject matter of the application.

5. The Commission's approval of the interconnection agreements is just and reasonable, meets the requirements of the Act and regulations prescribed by the FCC pursuant to the Act, and is in the public interest.

6. The Commission maintains jurisdiction over the subject matter of the interconnections agreements and amendments thereto to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule and the Federal Act and the rules promulgated thereunder.

...

...

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the interconnection agreements, except as stated in Findings of Fact No. 10.

IT IS FURTHER ORDERED the Hearing Division shall, within thirty days, arbitrate the issues of combinations of network elements and whether the IFB, IFR or other finished service can be requested as an unbundled network element, in light of the recent Court of Appeals 8th Circuit Opinion, with arbitrated contract language concerning those issues to be incorporated into the interconnection agreements.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION


CHAIRMAN

COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 31st day of July, 1997.


JACK ROSE
Executive Secretary

DISSENT: _____

CWD:WS:rkt